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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,632	12/17/2003	Carlos Manzanares	39700-587002US /INC16916US	3840
64046	7590	08/04/2009	EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C			AHMED, SALMAN	
ONE FINANCIAL CENTER				
BOSTON, MA 02111			ART UNIT	PAPER NUMBER
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			08/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: CARLOS MANZANARES

Application No. 10/736,632
Technology Center 2400

Mailed: August 4, 2009

Before Deborah L. Perry, Supervisory Paralegal Specialist, Review Team.
Perry, Supervisory Paralegal Specialist, Review Team.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 29, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

PRIOR ORDER FOR RETURN

A prior “Order Returning Undocketed Appeal to Examiner” was mailed on June 18, 2009, wherein the Examiner was instructed that corrections were required. A review of the file finds that the required corrections have not been made or have not been made in entirety. The matters still requiring attention prior to docketing are identified below.

REPLY BRIEF

The review of the file finds that the Reply Brief filed April 27, 2009, includes an amendment and/or new evidence.

In accordance with 37 CFR 41.41(a)(2):

“A reply brief shall not include any new or non-admitted amendment, or any new or non-admitted affidavit or other evidence...”

Because the reply brief filed April 27, 2009, was accompanied by an amendment, affidavit or other evidence, it will be treated as a request that prosecution be reopened before the examiner. See MPEP §1208 for details.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) vacate the Reply Briefs Noted, mailed June 5, 2009 and
June 24, 2009;

- 2) treat the Reply Brief filed April 27, 2009, as a request to reopen prosecution; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP/bar

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